

REPORT

OF

*A Select Committee of the House of Representatives, made March 9, 1846,
in relation to the purchase and publication of the*

MADISON PAPERS.

DECEMBER 23, 1847.

Ordered to be printed, to accompany bill S. No. 31.

HOUSE OF REPRESENTATIVES, MARCH 9, 1846.

Mr. DROMGOOLE, from the Select Committee, made the following

REPORT:

The committee appointed to inquire into the expediency of providing by law for the purchase and publication of the writings of James Madison, late President of the United States, not heretofore published, beg leave to report, in part :

That they have made inquiry respecting the manuscript papers referred to in the resolution of the House. They find that these papers are in possession of his venerable widow, to whom they were bequeathed ; and who, thus possessing property in them, has alone the right to dispose of them. It is her wish to dispose of them for a fair consideration ; and she expresses the desire that the Congress of the United States should become the purchaser. The committee cannot forbear to say that, in their opinion, it is a natural and commendable desire, considering the agency which Mr. Madison had in the formation of the constitution which binds together these States in one great and powerful confederacy, and considering also the public relation which, for so long a time, he sustained to the government of this Union. This bequest can alone become advantageous, and thereby fulfil the affectionate purpose of the testator, by a sale of these papers.

Looking at the spotless character and eminent abilities of the author—viewing his disinterested patriotism and constant devotion to the welfare of his country—regarding his useful public labors and the favorable opportunities enjoyed by him to acquire and impart information, by reason of the conspicuous and important stations which he occupied—it would seem unavoidable that the highest interest should be excited in reference to all his productions, and that there should be a strong desire on the part of the general community for their publication. Believing, therefore, that the people of the United States would be gratified, and that such publication would be extensively useful, your committee do not hesitate to recommend

the purchase in the most decided terms; and, for that purpose, have herewith reported a bill.

It is deemed useless to raise and discuss the question of the power of Congress to make such purchase. Congress has established a library, and has procured on its account works both printed and in manuscript. The question is at rest.

Your committee will append to this report a memorandum furnished them, exhibiting the character and arrangement of these writings, remarking that, should Congress make the purchase and direct the publication, the order of arrangement may be changed if deemed advisable, and such publication may embrace the whole or selections. The entire writings, however, will be included in the purchase, delivered to Congress or to such agent as may be directed to receive and preserve them until the further order of Congress, and an absolute and unconditional right thereto conveyed. Should the purchase be made, which the committee earnestly recommend, it is their intention hereafter to report on the subject of their publication.

Your committee will be pardoned for making, in this place, an allusion to a suggestion which has reached them: that the purchase of the "Madison Papers," so called, was intended to embrace *all* the unpublished writings of Mr. Madison. To show the utter fallacy of such a notion—to make manifest so entire a mistake—the committee respectfully refer the House to the correspondence and other matter prefixed to the "Madison Papers," and they will be excused for inserting in this report an extract from a letter of Mrs. Madison herself, to the President of the United States, dated November 15, 1836:

"However prevailing the restraint which veiled, during the life of Mr. Madison, this record of the creation of our constitution, the grave, which has closed over all those who participated in its formation, has separated their acts from all that is personal to him or them. His anxiety for their early publicity after this was removed, may be inferred from his having them transcribed and revised by himself; and, it may be added, the known wishes of his illustrious friend Thomas Jefferson and other distinguished patriots, the important light they would shed for present as well as future usefulness, besides my desire to fulfil the pecuniary obligations imposed by his will, urged their appearance without awaiting the preparation of his other works."

Congress, by the purchase and publication, will secure for the public library, and thereby for the information and benefit of the whole Union, the valuable writings of one of its most useful, virtuous, and distinguished statesmen; and in performing this act of acceptable service to the country, will have the consoling satisfaction of knowing that consequent thereon, the legacy bequeathed to one of the most excellent, most esteemed, and most deserving of American ladies, has become available and profitable to her, and will be thus made to contribute greatly to the comfort of her declining years.

Nor need any apprehension be entertained that, by this purchase and publication, there will be recorded a precedent for dangerous examples. What other departed statesman ever vindicated principles with such signal ability—ever administered the government with so much purity and success amidst the most trying scenes?—conducting his country safely and gloriously through the perils of a war waged in defence of national rights

and for the maintenance of national honor; and yet throughout manifesting an invincible firmness, blended with mildness of character and a remarkable exemption from the bitter asperities of mere party feelings.

Mr. Madison was a member of the celebrated convention in the colony of Virginia, which commenced its session in the city of Williamsburg on the 6th day of May, 1776. On the 15th of the same month he united in the adoption of that strong patriotic preamble and resolution which formed the basis for the motion in the continental congress for the general declaration of independence. On the same day he united in the resolution for the appointment of a committee to prepare a declaration of rights and a plan of government for the colony.

On June 12th, 1776, he united in the adoption of the declaration of rights, which, in fact, was a declaration of independence by the colony of Virginia; and on the 29th following, of the same month, gave his support to the plan of government whereby the colony of Virginia became a separate, free, and independent State. So that Mr. Madison, at a very early age, participated in the formation of the first written, systematic constitution, voluntarily adopted by a free people, ever exhibited to the world. He participated also, and more largely, too, than any other member, in the formation of the constitution which created this confederacy, which assembles together the representatives of all the States and all the people of this vast Union, and confers on Congress all the powers and authority it possesses. He administered this government, under the constitution, wisely, purely, and successfully. It was his happiness, during his administration, to behold our victorious banners, and to contemplate the triumph of our arms. It was his satisfaction to know that our rights and our honor had become objects of respect, as before they had been of insult. It was his enviable lot to live to an old age, universally admired and respected by the wise, the good, and the patriotic. At the period of his decease, he was the *last* of the framers of the constitution of the United States. It is not the intention of the committee to recount the long and arduous public services of Mr. Madison; but it was deemed not inappropriate to allude to a few prominent incidents in his life. And when his countrymen may have the good fortune to "look upon his like again," then indeed the purchase by Congress of the works of Mr. Madison may not only be quoted as a precedent, but as such may be safely and profitably followed.

The writings of Mr. Madison are arranged to be divided into volumes of 500 or 600 pages. (Model of Hallam.)

Volume 1st.—The papers relating to the articles of confederation and constitution of Virginia; letters of James Madison to Jefferson, Monroe, Pendleton, Randolph, Washington, and Madison, senior, up to the commencement of the new government, with appendix containing notes of confederacies and confederation.

Volume 2d.—The letters of the above named and others, during the administrations of Washington and Adams; republican view of the policy of those administrations; notes of conversations and papers connected with his confidential intercourse with Washington; his character; and explanation of the enigma in Giles's impeachment of Hamilton.

Volume 3d.—The letters to foreign ministers and diplomatic functionaries, heads of departments, military and naval commanders, Presidents and ex-Presidents Jefferson and Monroe, and, if necessary, to George Joy, Henry Wheaton, C. J. Ingersoll, Andrew Stevenson, John Adams, J. Q. Ad-

ams, W. C. Rives, &c., to the close of either administration, or to include the whole correspondence with Jefferson and Monroe, as may be necessary to fill the volume; showing the policy of these administrations.

Volume 4th.—Letters and writings on constitutional subjects. (See note.)

Volume 5th.—Essays and letters on political economy, law of nations, juridical, historical, natural history, &c., may make out this volume—may include also printed essays in French, political observations in 1795, and examination of British doctrine, &c.; some essays to be found with the papers relating to Washington; and possibly this fund and what may be taken from the miscellaneous mass may make the 5th and 6th volumes, and leave the miscellaneous for the 7th.

Volume 6th.—Miscellaneous.

NOTE.—This volume has an affinity to others already separated from the mass for publication, which may justify its simultaneous appearance with them. Waiving the objection to breaking temporarily the chronological order of his whole works, of which the precedent is already given by the disposition of the debates, the connexion of subjects perhaps is better preserved by allowing the comments on the construction to follow immediately the debates on the formation of the constitution. In the one we have the intentions as expressed by the framers of the instrument. In the other, the views entertained by one of them of what those intentions were on particular points where the community have differed in construing them from the text; and his opinions of its true meaning, modified by the sense in which the constitution was accepted, and the sanction given by time to constructions which had prevailed.

Some of his letters touch on the policy and effects of some measures to which the operation of the government has given birth, and of which he has also constitutionally treated; but the instances are rare, and in them only is the subject of this and the other volumes connected.